

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-000003

03/22/2010

COMMISSIONER ROGER L. HARTSELL

CLERK OF THE COURT
W. Brown
Deputy

IN RE THE MARRIAGE OF
NANCY MARQUEZ

NANCY MARQUEZ
5421 W INDIAN SCHOOL RD # 2017
PHOENIX AZ 85031

AND

JOSE ALBERTO VARGAS ESQUIVEL

JOSE ALBERTO VARGAS ESQUIVEL
3831 WILLIAMS ST
DENVER CO 80205

JUDGE PALMER

MINUTE ENTRY

Courtroom 301, Central Court Building

9:16 a.m. This is the time set for Default Hearing regarding Petitioner's Petition for Dissolution of a Non-Covenant Marriage (Divorce) -- with Minor Children filed on January 4, 2010. Petitioner, Nancy Marquez, is present on her own behalf. Respondent, Jose Alberto Vargas Esquivel, is neither present nor represented by counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Nancy Marquez is sworn and testifies.

THE COURT NOTES that Respondent lives in Colorado and was served in Colorado on January 19, 2010, by Certified Mail.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-000003

03/22/2010

Petitioner testifies that the last place the parties lived together was Colorado; that she separated from Respondent in August 2002; that she moved to Arizona in August 2008; that the parties' minor child, Natalie D. Vargas (DOB: 09/07/2001), moved to Arizona in June 2009; and that Respondent never lived in Arizona and does not come to Arizona to visit with the minor child.

Based on the testimony presented,

THE COURT FINDS that Respondent/Father has failed to attend the Parent Information Program Class and file the Certificate of Completion as required by A.R.S. §25-352.

THE COURT FURTHER FINDS that it may not have jurisdiction over all of the issues in this case.

In any divorce case with children, there are five (5) issues for resolution by the Court:

1. **Dissolution of marriage.** The Court is able to proceed on this issue today because Petitioner is present. As long as Respondent has received all of the documents, the Court can proceed.
2. **Property and debt division.** Respondent is required to receive the documents, and if Respondent lives out of state, consent to jurisdiction in Arizona to proceed on the issues unless Respondent has sufficient minimum contacts with Arizona and/or has lived in Arizona. Based on Petitioner's testimony, this Court is unable to proceed with these issues.
3. **Spousal maintenance.** Respondent is required to receive the documents, and if Respondent lives out of state, consent to jurisdiction in Arizona to proceed on the issues unless Respondent has sufficient minimum contacts with Arizona and/or has lived in Arizona. Based on Petitioner's testimony, this Court is unable to proceed with this issue.
4. **Custody and parenting time.** The Court can make an order if the minor child has lived in Arizona for at least six (6) months before the filing of the Petition. The Court can make a custody and parenting time order because the minor child has lived in Arizona since January 2010. (Uniform Child Custody Jurisdiction and Enforcement Act, A.R.S. §25-1031)

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-000003

03/22/2010

5. **Child Support.** Petitioner has testified that Respondent has never supported the minor child in Arizona. The Court cannot proceed with this issue.

Petitioner testifies that she received a Response from Respondent; that Respondent has not sent any money to her for filing the Response with the Court; that Respondent indicated to her that he sent a copy of his Response to the Court; that she received Respondent's Response last Friday; and that she has read Respondent's Response; that Respondent's requests are different from her requests as set forth in the Petition; and that she does not agree with Respondent's requests.

Petitioner provides a copy of the document she received to the Court. The document is entitled, "Alternative Dispute Resolution Statement to the Court."

The Court having reviewed and considered Respondent's Alternative Dispute Resolution Statement to the Court,

THE COURT FINDS that as of today's date, the Integrated Court Information System (ICIS) does not indicate that Respondent filed a formal written Response to the Petition for Dissolution and that a Response Fee has not been paid.

THE COURT FURTHER FINDS that Petitioner received a document containing different requests than what Petitioner pled in the Petition for Dissolution. The Court cannot determine whether Respondent actually filed the document with the Clerk of Court or if Respondent requests that the document be filed.

IT IS ORDERED vacating today's hearing.

IT IS FURTHER ORDERED directing Petitioner to Family Court Administration on the 6th Floor of the Central Court Building to reschedule today's Default Hearing after Friday, April 16, 2010.

If Respondent intends to respond to this action and contest the issues of custody and parenting time,

IT IS ORDERED that Respondent shall file a formal written Response to the Petition for Dissolution with the Clerk of Court and pay the required fee for filing and file a request to set aside the default and/or default judgment that has or may be entered **no later than Friday, April 16, 2010.**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-000003

03/22/2010

If Respondent has filed a formal written Response by April 16, 2010, and paid the required fee by the specified date,

IT IS ORDERED vacating any future Default Hearing and referring this case to the assigned judicial officer, the Honorable David Palmer, for determination of the issues.

If Respondent fails to file a Response by April 16, 2010, and pay the required fee by the specified date,

IT IS ORDERED that Petitioner may appear for a Default Hearing, effective Monday, April 19, 2010.

If the parties can reach an agreement on all of the issues in this case,

IT IS ORDERED that Petitioner shall obtain a notarized statement from Respondent indicating his agreement.

LET THE RECORD REFLECT that all of the documents submitted to the Court are returned to Petitioner in open court.

The parties may seek the advice of counsel. If the parties cannot afford to do so, they may contact the following who may be able to provide legal assistance:

(1) Self Service Center, 101 West Jefferson, East Courts Building, Phoenix, AZ. Automated telephone number: (602) 506-SELF. Website: ecourt.Maricopa.gov (Provides a variety of forms and instructions.)

(2) Lawyer Referral Service, 303 E. Palm Lane, Phoenix, AZ 85004 (Phone: (602) 257-4434). (This organization will refer you to a lawyer that meets your needs in your part of town. There is a \$35 charge for the first 30-minute conference. Any fees thereafter are set by the particular attorney.)

(3) Community Legal Service, 305 S. 2nd Ave. P.O. Box 21538, Phoenix, AZ 85036-1538 (Phone: (602) 258-3434). (Composed of Legal Aid Society and volunteer lawyers. The availability of service depends on your income level.)

(4) Family Law Assistance Program (Phone: (602) 506-7948).

The parties may obtain various forms from the Self-Service Center website at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-000003

03/22/2010

The parties may purchase various forms in person at one of the Self-Service Centers located at:

1. 101 W. Jefferson, East Court Building, 1st Floor, Phoenix, AZ 85003
2. 222 E. Javelina Ave, Southeast Judicial District, Mesa, AZ 85210
3. 14264 W. Tierra Buena Lane, Northwest Regional Center, Surprise, AZ 85374
4. 18380 N. 40th Street, Northeast Regional Court Center, Phoenix, AZ 85032

FILED: Alternative Dispute Resolution Statement to the Court.

UNRESOLVED: Dissolution of marriage; child custody, parenting time, and child support; spousal maintenance; property, debts, and tax returns; and tax exemption.

9:27 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.